IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1124 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MUSHARAKHAN GOREKHAN

Versus

STATE OF AGUJARAT

Appearance:

THROUGH JAIL for Petitioner

MS HANSA B PUNANI for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/01/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the respondent and perused the application of the petitioner.

#. Rule. Ms.Hansa B. Punani waives service of Rule on behalf of respondent.

#. The petitioner, by this application, prayed for direction to the concerned authority to remove Cr.P.C. Section 268 and to transfer him from high security yard to general yard of Central Prison, Ahmedabad. In the application, it is stated by petitioner that though earlier he was booked under TADA but at the time of framing of charges, TADA was removed by the designated court.

#. This matter has to be decided by the competent authority. This special criminal application is disposed of in the terms that the application of the petitioner made to this court be first considered by the competent authority and to decide the same in accordance with law. The decision taken be intimated to the petitioner and in case the petitioner is not satisfied with it, it is open to him to apply for revival of this special criminal application. The Rule and special criminal application stand disposed of accordingly with no order as to costs.

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[sunil]